FILED
AM 10:30
RICHARD R. ROOKER, CLERK
D.C.

IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

LOURDES AIDA CRUZ,

Plaintiff

v.

ROBERTO CRUZ,

Defendant

Docket No. 96D-165

Davidson County DEEDDIV
Recvd: 06/03/08 15:17 4 pg
Fees:22.00 Taxes:0.00
20080603-0056722

FINAL DECREE

This cause came to be heard on the 28th day of March, 1996, before the Honorable Marietta Shipley, Judge of the Second Circuit Court for Davidson County, Tennessee, upon the Complaint for Absolute Divorce filed by the Plaintiff, Lourdes Aida Cruz (hereafter referred to as "Wife"), Default Judgment previously entered, testimony of Wife, and documentary evidence submitted, upon which the Court found that the evidenced submitted by Wife sustained her allegations that her Husband, Roberto Cruz, Defendant (hereafter referred to as "Husband"), has been convicted of crimes which, by the laws of the State, are declared to be felonies and has been rendered infamous and sentenced to the penitentiary by virtue of those convictions. The Court further found that the relief sought by the Wife should be awarded to her.

It is therefore, **ORDERED, ADJUDGED and DECREED:**

1. That Plaintiff, Lourdes Aida Cruz, is awarded a divorce from Defendant, Roberto Cruz, on the grounds that he has been convicted of crimes which, by the laws of the State, are declared to be felonies, has been sentenced to confinement in the penitentiary, and has been rendered infamous pursuant to T.C.A. § 36-4-101(5) and (6), and that the parties are restored to all rights of unmarried persons.

2. That Wife is awarded sole custody of the parties' three minor children:

Roberto Cruz, Jr.	10/09/86
Niria Aida Cruz	02/12/91
Adrian Manuel Cruz	11/13/92

and that visitation for Husband is reserved and shall be set by his application to the Court in order to provide sufficient supervision and safeguards for the minor children.

3. That Husband shall pay as child support all funds he receives for work done in the institution where he is incarcerated. When he is released from incarceration, he shall pay Two Hundred Seventy Dollars ($270.00) per month plus the Clerk's fee of Thirteen and 50/100 Dollars ($13.50) per month for a total monthly payment of Two Hundred Eighty-Three and 50/100 Dollars ($283.50), said payment to be made to the Circuit Court Clerk, 506 Metro Courthouse, Nashville, Tennessee 37201, which shall forward said payments to the Tennessee Department of Human Services, so long as Plaintiff is receiving AFDC benefits. Said amount is set in accordance with the Tennessee Department of Human Services Child Support Guidelines based on the minimum wage. Said amount shall not be prorated or reduced without further orders of the Court.

4. That Wife is awarded the house and lot located at 3908 Atkins Drive, Nashville, Tennessee, subject to the mortgage owed thereon and Husband is divested of any claim he has in said property, the description of which is to wit:

> Land in Davidson County, TN, BEING Lot no. 28 on the Plan of A Resubdivision of Lots 27 & 28 Greenwood Hills, Section Two, of record in Book 5190, page 91, Register's Office for Davidson County, TN, to which Plan reference is hereby made for a complete and accurate description thereof.
>
> Being the same property conveyed to Lourdes Aida Cruz and husband, Roberto Cruz by deed from Trevor J. Holt, unmarried, of record in Book 8895, page 953, Register's Office for Davidson County, Tennessee.
>
> This is improved property known as 3908 Atkins Drive, Nashville, Tennessee 37211.

5. That Husband is permanently enjoined from interfering with Wife's custody of the minor children and from removing the children from the jurisdiction of this Court and from the State of Tennessee. Husband is further permanently enjoined from coming about Wife and her residence, and from threatening, harassing, molesting, beating, assaulting, or harming her or the minor children in any way and, from soliciting any other person from doing so.

6. That Wife is awarded all personal property that she has in her possession and Husband is divested of any claim he has in said property.

7. That Husband shall pay any and all debts listed solely in his name and hold Wife harmless on same.

8. That all costs of this cause are assessed against Husband for which execution shall issue if necessary.

Entered this 2nd day of April, 1996.

MARIETTA SHIPLEY, Judge

APPROVED FOR ENTRY:

DOBBINS & VENICK

By: Dot Dobbins
Dot Dobbins #2510

Attorney for Plaintiff
2100 West End Avenue, Suite 850
Nashville, Tennessee 37203
(615) 321-5659

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Motion for Default and to Set has been sent by regular U.S. Mail, postage prepaid to the Defendant, Roberto Cruz, CCA Inmate, Metro/Davidson County Detention Center, 5115 Harding Place, Nashville, Tennessee 37211, this the 28th day of March, 1996.

DOT DOBBINS

STATE OF TENNESSEE

I, **RICHARD R. ROOKER,** Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the order heretofore entered in the SECOND Circuit Court for Davidson County, Tennessee, on the 02 day of APRIL , 1996 , in the Case Number 96D165 between CRUZ, LOURDES AIDA Plaintiff, and CRUZ, ROBERTO Defendant, as same remains of record in the Minutes of said Court.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 03 day of JUNE in the year two thousand eight and in the 231st year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

